The Cochin payment of Salaries and Allowances Act Amendment Bill*

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I rise to present the Select Committee Report on the Cochin Payment of Salaries and Allowances Act (Amendment) Bill and move that the Bill as amended by the Select Committee be taken up for consideration.

The general principle of the Bill has been explained by me during the last Session. Now the Bill is slightly amended by the Select Committee. According to the original Bill, every member has to receive Rs. 50 as salary per mensem. Now the committee has made it optional, that is to say, it is left to the option of any member to accept either this Rs. 50 along with third class allowance or to draw allowances according to the existing rates. The Select Committee considered this Bill in detail and this change was made. I submit that this is not a far-reaching change. All the other amendments are consequential amendments.

There is now another amendment given notice of by Mr. Salem to the effect that first class allowance should be given along with this 50 rupees salary. I think that will be too much. In these days of nationalism, when even our greatest and the most venerable leaders are travelling by third class, there is no harm if we travel by third class. Therefore, I hope Mr. Salem will not move his amendment.

Mr. A. B. Salem *(Mattancheri):* Oh! no. This third class fare won't benefit us. That is why I have brought in this amendment.

Mr. V. J. Mathai *(Planters):* Mr. President Sir. I oppose the motion. It would seem unnecessary to make a speech upon this matter now, because the matter has been once discussed. But I feel it my duty to oppose this whenever it comes up, whenever it shows its head. The position is this. In the very first place, I deem it that a partial bestowal of salaries upon a few honorary workers should not be allowed. The Legislative Council members are not the only persons who work in an honorary capacity. For example, let us take the case of the Town Council Members. They work far more than the Legislative Council Members.

Mr. A. B. Salem *(Mattancheri):* No; no. They have only twelve meetings in a year.

Mr. V. J. Mathai *(Planters):* As a matter of fact, I know that they are sitting twice or thrice a month. The fact, however, remains that they work far more than the Legislative Council Members. Here we have only to work for 26 days in a year.

**Appendix II*

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Mr. A. V. Moothedan *(Chalakkudi):* We go also to the constituency, and work there. There is work for us outside the Council also.

Mr. V. J. Mathai *(Planters):* For some other manipulation with which the public are not concerned. *(Laughter).*

Mr. A. V. Moothedan *(Chalakkudi):* As if my hon'ble friend here is free from all these manipulations—a saint who has come down from heaven! *(Laughter).*

Mr. V. J. Mathai *(Planters):* Anyway, seems to be better than you.

Therefore, the point remains that this seems to be a partial bestowal of remuneration on certain sections of public servants, and as I pointed out, there are the members of the Municipal Council, the Chairman, the Panchayat Judges, the Panchayat Members and several other species of honorary workers so that it seems to be rather a sort of invidious distinction sought to be made in the case of Legislative Council Members alone.

Secondly, from the point of view of public policy and from the point of view of public finance, this will become a stepping stone for the raising of cries by other honorary workers. When I say this, I think the Hon'ble Minister will support me. Even the cry of granting these Panchayat Judges a sitting fee of Re. 1 was refused. Very often the Panchayat Judges sit for days in a year. At least they are bound to sit one day a week and that means 4 days a month and 48 days a year. They have to sit from morning till evening. We are not even giving them sufficient for lunch, leave alone their travelling expenses or any other compensation. Therefore, from the second point of view, we would be asking them to raise this demand for the work done by them.

And thirdly, it seems to me that there is no justifiction for asking for remuneration for this work. As I said, the work we do is very little—26 days' work in a year. If you mean to say that we are going to the constituencies every day and working there, I dare say the constituencies themselves will refuse this assertion.

Mr. A. V. Moothedan *(Chalakkudi):* Nobody said that we go to our constituencies and work there every day.

Mr. V. J. Mathai *(Planters):* I am not singling out any particular individual. What actually happens is nobody goes to the constituencies to work there every day, night, morning, evening and dusk. Most of the members go there only during election time. That is the only going, so far as I am aware of.

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Mr. A. V. Moothedan *(Chalakkudi):* That may be your work.

Mr. V. J. Mathai *(Planters):* Subsequently, the electorate is ignored and to me it seems that not much of the work is being done in the constituencies.

Fourthly, we have not yet obtained responsible government. We ourselves say, we have not got responsible government. Therefore, in effect, it is irresponsible work that we are doing and that is being reflected also here. We bring in a number of Bills, a number of questions are also asked; then, there are three non-confidence motions once a year, all of which are irresponsible. I do not want to create a controversy. The fact remains that we do not take these things in a spirit of responsibility.

Then, the 5th point is this. In the statement of objects and reasons of the Bill, it is said that under the present conditions, only rich men can come into the Council. I ask this question to the Hon'ble Member, whether bestowal of Rs. 50 upon anybody will allow all the poor men to come into the Council or whether any poor man can as for that matter come into the Council. It is well-known and I assert it that it requires several thousands of rupees to fight a contested election in a general constituency. The future possibility of getting Rs. 50 will not solve the difficulties of a person from the point of view of finding all on a sudden Rs. 5,000. Therefore, how is it that a single poor man can hope to come into the Council with the bestowal of this Rs. 50 salary? As I said, you can't rely on this Rs. 50 salary when you have to find out Rs. 5,000 today for fighting an election. What would actually happen is, the rich men will contest the election as it is now and the poor man will never be able to come into the Council. That means necessarily that the same result will obtain. Therefore, if the conclusion is that by holding out a hope for Rs. 50 to a poor man he will be in a position to contest an election and get into the Council, it will be a wrong conclusion. Only rich men will be benefitted by this Rs. 50 to make them richer. Therefore, the proposal ought to be "give Rs. 5,000 to every candidate who stands for election and later on give him Rs. 50 salary per mensem." If that was so, I could have understood this plea.

And then, the sixth point is, what obtains in other places does not obtain here. For example, as far as the work in the Houses of Parliaments is concerned, we all know that it is very arduous work. Much more work has to be done there than here. They sit far unto the night. The ordinary rule is they sit during night, because there is no time available at all during the day time on account of

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the tremendous business to be transacted. And if a comparison is attempted to be drawn, we will find that the work in our legislature is far too simple and far too little. There is not much work to be done and there is not full-time work to be done.

And seventhly, I say this work does not interfere with anybody's avocation in life. After all, the most distant part of Cochin State is only about 50 miles. Anybody can come and go back the same evening.

Mr. A. V. Moothedan *(Chalakkudi):* In the case of those residing in Chittur Taluk it is impossible for them to come and go in one day.

Mr. V. J. Mathai *(Planters):* Whatever that be, the average will be only about 20 miles. And as a matter of fact, this Council is full of junior lawyers. One party itself consists of eight junior lawyers with one merchant as a mascot. Nobody suffers very much especially in this time of depression and when there is very little work in the courts of law.

And eighthly, I say travelling in the third class does not seem to be very much to my taste. You are lowering your own status by that.

Mr. A. V. Moothedan *(Chalakkudi):* We repudiate that statement. Even our greatest leaders travel by the third class.

Mr. V. J. Mathai *(Planters):* You have simply put it as third class, because you want this Rs. 50 salary also.

Ninthly, a comparison of the salaries of the low paid officers seems to be heart-rending. There are even B. A., B. Ls. now working on Rs. 25 in the Huzur Secretariat. In these difficult days, even Rs. 50 is a very great sum. I dare say, one can easily get the service of a B. A., B. L., for Rs. 50. I am not casting any aspersion upon anybody by this. The fact remains that B. A., B. Ls. working in the Huzur for Rs. 20 or Rs. 25 will feel discontent when others who have to work for only 26 days in a year are given Rs. 50 per mensem.

Mr. A. V. Moothedan *(Chalakkudi):* Why should he feel discontent? Let him stand for the election and then get into the Council. Then he also can get Rs. 50.

Mr. V. J. Mathai *(Planters):* Tenthly, I say, you have not gone to the constituencies and asked them whether this is to their liking. This was not a plank on which you stood for election last time. That was not the mandate of any party also. Incidentally,

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one party was formed only during the course of the year. No party ever put this question before the country. And I dare say, if this question was put before the last election, not a single member here would have been returned. *(Laughter).*

Mr. A. V. Moothedan *(Chalakkudi):* We promised to fight for parliamentary democracy.

Mr. V. J. Mathai *(Planters):* Parliamentary democracy does not mean payment. If parliamentary democracy means payment, that will also mean parliamentary exploitation, and parliamentary exploitation means, in the words of Mr. Viswambharan, *chooshanam.*

Finally, there is another question also. There is the discontent that our administration is top-heavy. Even now, tremendous sums are being spent on the Legislative Council itself. It seems to be rather difficult to understand how we can raise this question of salary, because there are 46 non-official members, and if all the 46 will be receiving Rs. 50, that will come to Rs. 2,300 per mensem.

Mr. A. V. Moothedan *(Chalakkudi):* Not all. You can relinquish. There will be several others who are prepared to relinquish.

Mr. V. J. Mathai *(Planters):* That does not matter. That is a different question altogether. The point is, I always go for larger issues. The issue remains that we are asking for Rs 2,300 per mensem from the poor people. That is a sort of exploitation.

And then, to make the points a dozen, I say, it seems to be rather awkward that we should demand Rs. 50 for ourselves—even if somebody gives it, it does not matter.

Then to bring the points to the unlucky number, 13, there are eight nominated members. Your cry has always been that the nominated members are the creatures of Government. You sometimes say that they should not be given the right to vote etc. I ask you this question: What will be the position of these nominated members who, you think, are already under an obligation to the Government, if they are given this salary also? If this is done, you will say subsequently that they are a sort of paid servants of the Government.

Mr. T. V. Subramania Ayyar *(Nemmara):* Even without payment they are the followers of the Government.

Mr. V. J. Mathai *(Planters):* There are several hon'ble members like Mr. Koder who do not care for some favour or other from the Government. I say, you will subsequently say that they

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are stipendaries paid by the Government. Therefore, I request you that you must not try to exploit the poor people on the pretext that you are working for them. For all these thirteen reasons, I oppose this motion.

Mr. V. K. Bhaskara Menon *(Cranganur):* Sir, I am extremely sorry that I do see eye to eye with the Hon'ble Member for Planters at least in this matter.

Now, I oppose this motion to give salary of Rs. 50 to nonofficials, absolutely on different grounds altogether. Thirteen reasons have been advanced as arguments by the Hon'ble Member for Planters in opposing this motion. The most important of them, according to me is that since the members of the Legislative Council are doing honorary work, they ought not to be paid, because they get sufficient time to attend to their normal avocations. Now, I will cite an example to show the remarkable absurdity underlying his proposition. An individual who is practising in the courts takes up some work in a commercial concern, as managing director and for that work, he gets some remuneration, which is only natural. Now my submission to this House is that the fact that a man has got two avocations can never be cited as an argument that no remuneration should be given to the members of the Legislative Council, provided there is enough work.

Another argument was that there is no mandate from the constituency. Yes, and if mandate is necessary, I ask the Hon'ble Member for Planters whether he has a mandate from the Planters constituency that he should oppose communal representation whenever the question is raised *(Laughter)*.

Mr. V. J. Mathai *(Planters):* If that be so, I say that I have got mandate from all persons possessing common sense.

Mr. T. V. Subramania Ayyar *(Nemmara):* Have you got a mandate to oppose this ?

Mr. V. K. Bhaskara Menon *(Cranganur):* Therefore, the question of mandate becomes irrelevant. Then he expressed some remarks about the nature of our work, which I regard as gratuitous insults. I leave it to the House to decide whether there is any responsibility in our work here or not. Now my objection to this Bill is that we cannot spend more money.....

Mr. V. J. Mathai *(Planters):* So, You agree with me! Till now, I thought you were opposing me *(Laughter)*.

Mr. V. K. Bhaskara Menon *(Cranganur):* By the by, I missed one of your points. It is a pretty long list of 13 points. *(Laughter)*.

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One more point that he advanced is that we are spending a lot of money on this Council especially when our administration is top heavy. I must make it clear to him that he is not complaining against the fat salary of the big Government officials, possibly deliberately.

My argument against this Bill is this. As it is, we are spending about Rs. 20,000 on account of this Legislative Council. If we are to spend more money on this account it will really be taking away public resources, money which could be better utilised for other pressing necessities.

Mr. T. V. Subramania Ayyar *(Nemmara):* There is no guarantee how it will be utilised.

Mr. V. K. Bhaskara Menon *(Cranganur):* We fervently think that the Government, consisting as it does of honourable and responsible citizens of this State, will do what is necessery for the State. Therefore, my submission to the House is that in a matter like this, especially when schemes are not taken up for want of funds, it will be most improper on our part to press for a salary and also in view of the great financial commitments of the Government. Therefore, I oppose this motion.

Mr. A. B. Salem *(Mattancheri):* Sir, I rise to support this amendment. In doing so, of course honorary workers need honorarium in all departments—that has been my faith. But my friend's arguments that we are only honorary workers who give little time to this work may be applicable to himself, but it cannot be applicable to those who take to legislative council work or political work seriously *(hear, hear)*. There is plenty of work for a politically minded Legislative Council Member to do. He will have to work not only by coming and sitting here for 26 days in a year, but he will have to work much more at home to study things. If you want to be a proper legislator, by bringing some Bills, you will have to devote much more time for it. It is well-known that even in British Parliament where there are 612 members, they are paid £500 to £600 a year.

Mr. V. J. Mathai *(Planters):* Only £400 to be exact.

Mr. A. B. Salem *(Mattancheri):* Whatever may be the amount the principle is there.

Mr. T. V. Subramania Ayyar *(Nemmara):* At the time of the late Mr. Baldwin the remuneration was raised to £1,000.

Rao Sahib I. N. Menon *(Director of Public Instruction):* Only in the case of certain Ministers it was raised to £1,000.

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Mr. A. B. Salem *(Mattancheri):* What is the principle on which they are paid? Is it for the sake of the few hours that they come and spend in Parliament that they are paid, or is there any other principle involved? The principle involved is that those who take to this kind of parliamentary work should be enabled to devote much more time than they do as honorary workers and to have some sort of little help from the public money so that they can devote much more of their time for public needs. It is on that basis that this matter is to be viewed. So, I do not think there is much in my learned friend's argument that honorary workers should not be paid. If they are paid something, they will devote some more time for public needs.

Another point raised by the Hon'ble Member for Planters against this motion is this. He drew a comparison of the Legislative Council Members' work with that of the Municipal Councillors. I am sorry that my hon'ble friend has never been a Municipal Councillor himself to know what their work is. After all, under the Municipal Act, 12 statutory meetings must be held in a year. And every time the meeting is held after 5 O' clock and very often finished before 6 O' clock, rarely it lasts up to 7 O' clock. So assuming that they work for two hours at a meeting, they spend in a year about 24 hours, *i. e.*, one day.

Mr. V. J. Mathai *(Planters):* Then give them at least proportionately.

Mr. A. B. Salem *(Mattancheri):* We shall come to that. When you fall down, you come to the principle.

Then, he was referring to the Panchayat Judges. I do not know how many hours they sit. My hon'ble friend has got much experience with the Panchayat Judges and we have had his sad experience here the other day. On my part, I have never appeared before a Panchayat Court. Therefore, I do not know what kind of work they do.

Mr. V. J. Mathai *(Planters):* My friend forgets that no Vakil can appear before a Panchayat Judge.

Mr. A. B. Salem *(Mattancheri):* Then how did you speak the other day about the Panchayat Judges? You were attacking them very vehemently.

Mr. V. J. Mathai *(Planters):* You have not forgotten the hit you have received the other day?

Mr. A. B. Salem *(Mattancheri):* That is why I give you the hit. I also know the law. I was a lawyer here for a long time

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past, even before your 16 years' practice began. I do not know what you have made within the 16 years of your practice in this country. So don't come to hit. If you hit, then you will get blows *(Laughter)*.

Mr. V. J. Mathai *(Planters):* I also know the trick well.

Mr. A. B. Salem *(Mattancheri):* I am not chosing to hit you back. If you want blows, I can give you hard sledge-hammer blows.

Mr. V. J. Mathai *(Planters):* Only with your fists?

Mr. A. B. Salem *(Mattancheri):* Not with fists alone, but with all the limbs *(Laughter)*.

Deputy President: Mr. Salem, don't care for all these interruptions.

Mr. A. B. Salem *(Mattancheri):* Sir, I don't want to be interrupted. I shall certainly ignore him if the Chair wants me to do so.

Then, about the constituencies being ignored in all these matters. No constituency is ever consulted in all these matters. I wonder whether my hon'ble friend has consulted his big constituency consisting of about 9 to 12 voters to speak as he did this afternoon.

Mr. V. J. Mathai *(Planters):* Though my voters are only 12 or 13, each voter employes about 1,000 to 2,000 men.

Mr. A. B. Salem *(Mattancheri):* But, have you not consulted even these 9 members? I can assert that he has not. I know that.

Mr. V. J. Mathai *(Planters):* How can you know that?

Mr. A. B. Salem *(Mattancheri):* You did not say so. If that is so, say so.

Mr. V. J. Mathai *(Planters):* Put me that question; then I shall say.

Mr. A. B. Salem *(Mattancheri):* Then, as regards little work that we are doing I have already answered that. The question of poor men comming into the Council, that is the next point. I think, most of the members that are seated in this House are poor. Very few rich men dare to stand for election, very few rich men have the aptitude to stand and spend money, very few rich men think that it is worth while to spend money and come here, and few of them that have come here do not wish to repeat the experiment. That is the

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condition in this country, after 16 years of Legislative Council life. I do not know whether my friend himself had to spend much amount to come here. I certainly had to spend nothing to come here.

Mr. V. J. Mathai *(Planters):* You did not spend, but others spent.

Mr. A. B. Salem *(Mattancheri):* Others must spend. That is proper election. It is not that you should spend and come *(laughter)* that is the proper election. That is the correct thing.

As regards the the third class T. A., of course I have got my amendment here.

Mr. V. J. Mathai *(Planters):* Oh! you want first class T. A. too!

Mr. A. B. Salem *(Mattancheri):* I shall tell you about that, when my amendment comes. Then, my friend was citing the case of a B. A., B. L., getting Rs. 25 and about the discontent that will be created in him, if Legislative Council Members are allowed this Rs. 50. Ah! What a comparison! It only shows, the inflow of education and culture has made no mark. There are persons who are much cleverer, much highly trained, very much more cultured, than an ordinary B. A., B. L., and getting much less in other countries, who are content to get little. Whatever they can get, culture and money are two things apart.

Mr. V. J. Mathai *(Planters):* What does a Registrar get?

Mr. A. B. Salem *(Mattancheri):* I do not care for a Registrar or a Taluk Magistrate. I am making you understand that culture and money are two different things. If you do not know that, I will teach you. Great men of learning, great men who have written things which have got a perpetual value, have all been men who have been having not even Rs. 10 salary, who have been men of culture, whose broad thinking earned just enough for little bread and little water and who devoted all their time to culture and knowledge.

Mr. V. J. Mathai *(Planters):* That is an argument against your receiving the salary.

Mr. A. B. Salem *(Mattancheri):* We are only worldly men. We are not such cultured men. We all know that our public men are all needy men who are to be encouraged. Therefore, I say that this proposition is worthy of consideration by the Government. After all, when we see that almost all the Legislators in India are being paid, it would be the fashion of the day to pay in these States

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also. Therefore, if you avoid it now, sooner or later we will have to come into line with them. The Provincial Governments in India are all paying their Legislative Council Members and to say that the total will be Rs. 50,000 over, in case of adoption of Rs. 50 as salary, is beside the point. It is also irrelevant. Men who come here, men who are succeeding in coming here—give them something to devote themselves more and more for their work that they have undertaken on behalf of their constituencies. After all, it is their constituencies' money that is being handled by the Government and out of that, there is no harm in giving to members of the constituencies a portion. I, therefore, have great pleasure in supporting this proposition.

Mr. Shabdai S. Koder *(Nominated):* Mr. President Sir, I rise to oppose this Bill. Two years back when we were discussing the Minister's Salary Bill, the author of this Bill strongly opposed it on the definite ground that our State cannot afford to pay Rs. 800. He even opposed the salary of Rs. 500 which the Minister is enjoying now. It is on the same ground that I am opposing this Bill. If our State cannot afford to spend 2 or 3 thousand rupees more on the salary of the Minister, I ask the hon'ble member very seriously how we can afford to spend about 22,000, especially in these hard times. Of course, I see the difference. Two years back, we were discussing about the salary to be given to the Minister. But now we are discussing about our own salary. Sir, instead of asking for salaries, I would earnestly request the Government to cut from each member's present allowance Rs. 8—4—0—the cost of a bag of rice—and distribute it to the starving people, who are now unemployed *(Hear, hear)*. With these few words, I oppose this Bill.

Mr. T. V. Subramania Ayyar *(Nemmara):* Mr. President Sir, my hon'ble friend Mr. Mathai, Member for Planters, had his say, interrupted by many during his short speech. There is what is called false modesty prevailing in his speech. There is a certain kind of disease which exhibits symptoms which are very deceptive and very often effectively hide the real thing underneath. There is also an attempt sometimes to get what is called "cheap notoriety and exhibition of superiority complex".

Deputy President: Why don't you reach the clauses?

Mr. T. V. Subramania Ayyar *(Nemmara):* I will reach them presently. These are general remarks which I give about the speech of the Hon'ble Member for Planters.

Mr. V. J. Mathai *(Planters):* You are upon an irrelevant matter.

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Mr. T. V. Subramania Ayyar *(Nemmara):* If I am upon an irrelevant matter, the Chair will call me to order. The Chair knows its duty, the speaker knows it, the whole House knows it and the Hon'ble Member for Planters also knows it.

So far as the motion before the House is concerned, I do feel that there is a delicacy that we have to come in with a non-official Bill to claim an allowance, a fixed allowance of Rs. 50 per mensem. I fail to see any objection to any legislature being paid. I know, Sir, and my friend Mr. Salem must be able to furnish the information that one of the planks of the Labour Party as early as the 19th century was the payment of salaries to the legislators. You must understand that the plea for adequate salaries to legislators was started by no less a person—as my friend Mr. Achyuta Menon will be able to bear testimony—than Barnard Shaw. I do not know whether you have read of Barnard Shaw; such an ardent democrat, a powerful socialist who wants to do away with the invidious distinction in the distribution of property, such a gentleman who wants to see the levelling down of society, who was very anxious that one man must not be above another—such a gentleman says that payment of salary to legislators and Legislative Council Members is quite necessary. What is wrong in it? Are you not doing a public duty? Are you not wasting your time for the public purpose? Are you not sometimes forsaking your own duties—personal—for the sake of the public? Therefore, I say there is nothing wrong in principle in remunerating a person who is working for the public, and what is the work done by the Government servants and by the administrators? They do the same work as we all do here. We form part of the Government. I suppose the Legislative Council is an integral part of any Government. What is the wrong in claiming that a Legislative Council Member who legislates the law for the country, who works at legislation, social or otherwise, who has to attend to the business of the Legislative Council for a long time, must be paid something for the work he is doing? I say there is nothing absolutely wrong in principle.

Another point made by the member who opposed the motion was that we have absolutely little work. Everybody speaks for himself and everybody's speech comes from his own experience. Every man knows what work is done by the several members of this Council. They have to work very hard. I very recently read a very beautiful book—the public life of J. H. Spender. I suppose that many of us would have read that book—I suppose the Hon'ble Secretary to Government would have read that book—whenever I look at him, I feel that he is a voracious reader. In that book, the author has described in a very funny fashion the duties of Legislative

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Council Members. Particularly referring to the Chamber of Deputies in France, he says, "the Deputy has not only to take instructions from the house-maid as to the kind of silk umbrella which she wants and which he has to get from Paris, to present to the voters; he has not only to recommend a job to a party man in the Parish," etc. As a matter of fact, that Deputy never gets sleep for more than 200 days in a year, because he is troubled by the voters. Are we not troubled by the voters? The major part of the work done by a Legislative Council Member is done outside the Council. The constituency has a hold on you. The hon'ble members who are in the lawyer's profession know that a lawyer has got three masters. One is the client, then his colleagues who will find fault with him, if he is not careful in his arguments. The court is the 3rd master to him. Here the constituency which creates us is our supreme master. Just as we have the House here which controls our action, these constituencies control our action outside the House. Then there is the Chair. What about the tremendous work the Legislative Council Member has to do? There is no subscription list to which he is not an invitee to subscribe. He has to attend important marriages in his constituency. He must be present at opening of institutions like schools. He must be present at the school anniversary of the place. He must invite the Diwan and other Heads of Departments to go round the villages in his constituency. So many things, the Legislative Council Member has to undertake.

Besides doing all these things, he has to deliver lectures in the constituency. How many trips he may have to undertake for this? For my part I have undertaken trips from Coimbatore to Nemmara. Then again, if a man is a party man, he has to attend party meetings. There are so many committees where, by virtue of being a member of the Legislative Council, he has to attend, just as War Committee. All these functions you have to perform. These are our public duties, which no public man will be able to avoid. The Hon'ble President the other day observed that the life of a public man is indeed a very troublesome one. His task is a thankless task. Added to that, motives are attributed to public men and their lives become miserable. Many voters approach him and he has to satisfy all and sundry. I understand Mr. Mathai when he said that these members have no work to do, because his constituency consists only of 12 or 13 planters who are very rich. Over and above doing all these things, during the course of three years, at the end of the third year you have to face the election. At that time, memory becomes very short and all that you did for the constituency, all the speeches you made vehemently like the speeches made by Mr. Viswambharan

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here, are all forgotten. At the time of election, what amount of trouble you have to undergo! All good disappears and evil alone remains. Whatever good that you did is easily forgotten. Then there is the fickleminded electorate with the fickleness that is characteristic of some particular sex. The favours of the electorate like the favours of beauty are ever changing and never steady. In detailing the duties of a Legislative Council Member my point is only to bring out that the work of a Legislative Council Member in his constituency is very hard.

Over and above these, in the Legislative Council itself, what an amount of work you have to do! I can very well understand Mr. Mathai, in a light-hearted fashion, speaking about the work. We, coming from distant places, have to leave our family and children and stay here for 10—15 days together and hard work from 11 to 5, tabling motions, putting questions, listening to Mr. Iyyu's speeches on cut motions *(Laughter)*.

Mr. A. B. Salem *(Mattancheri)*: A very hard task, Sir!

Mr. T. V. Subramania Ayyar *(Nemmara)*: And, what is more, Sir, when you return for rest to the M. L. C. quarters, there also our friend Mr. Iyyu is there. *(Loud laughter)*. After doing all these work, our health is shattered. After 10 or 15 days' sitting here, when we go home, we actually need 3—4 days rest.

The sacrifice which we have to make for these 15 days is really great. I do not want to degrade the profession I belong, as some hon'ble members have done. What little practice they have is great for them. But it may not be big enough for people like Mr. Mathai who are getting their "usual 500". I have to be here, because I have to do justice to my constituency. If I have to do my work as a member, I have to be present in the Council. So I say the work requires some remuneration and there is nothing wrong in principle.

Another point which was raised against the motion is that we are supporting it on account of the financial attraction of the proposal. I may say that, so far as the Member for Nemmara is concerned, it will not confer any benefit on him because, even otherwise, he will be able to get easily more than Rs. 600. It is the Nemmara Member who gets the largest amount now and if he happens to be in some Select Committees, he could easily make this amount. Therefore, it is not on the ground that I am personally benefitted by this proposal that I am supporting this. I support it on a wholesome principle. This wholesome principle to pay the members of the legislature has been accepted even by the most important popular organisation, the Indian National Congress, which wanted to reduce the salaries of Ministers to Rs. 500. The Congress itself has

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prescribed that the minimum salary of the members of the legislature may be fixed at Rs. 75. I suppose we can take them as our guide in this matter. It is not a question of finance at all individually. The argument that the Government cannot afford to pay so much as salary to the members of this House is wrong. Is there any guarantee that the amount which will be saved by withholding payment to us will be utilised for rural development or some other beneficial purpose? It may be utilised to increase the salaries of the highest paid officers of the State. It may be utilised for the purpose of building another Ram Mohan Palace. We have been agitating for the reduction of the salaries of the Heads of Departments and the high-paid officials of the State Has there been any sign that they are willing to do that? They are not inclined to accept the proposition. Therefore, there is no meaning in saying that, on financial ground, it has to be opposed. I submit that there is absolutely no ground to oppose this motion on the question of finance. I support the motion.

Mr. K. S. Panicker *(Ezhuvas-Mukundapuram):* I move a closure.

Mr. K. M. Ibrahim *(Cranganur):* I second it.

Closure motion put and carried

Mr. K. Achyuta Menon *(Secretary to Government)* Sir, I have to make the following statement on behalf of the Government. Having made that statement, Government do not propose to take any further part in the discussion and they will remain neutral.

Government regret that they cannot support this measure. The placing of this Bill on the Statute Book would mean an additional expenditure of Rs. 22,000 from the public funds. The reduction in the T. A. and D. A. proposed in the Bill will not result in any considerable saving on this account. The Bill provides that along with the monthly salary of Rs. 50 the members would be paid T. A. and D. A. allowed to third class officers of Government. At present the members are paid as first class officers, *viz.*, 1st class railway fare, 6 annas per mile, mileage and Rs. 4—8—0 per day, daily allowance. The scale of allowance paid to the third class officers of Government is 1½ second class railway fare, 5 annas mileage and Rs. 2—8—0 per day daily allowance. In view of the number of days that the Council sits per year and the special circumstances of a small State, Government do not feel that there is any justification to incur such an expenditure from the public revenues. The total number of sittings of the legislative Council for a year comes to about 27 days. This is less than a month in a year. Government do not feel that

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there is any justification for payment of salary throughout the year under these circumstances. Apart from this there is one other factor which must be taken into consideration. The payment of salaries to members of the legislature is necessary where the members are called upon to devote a considerable portion of their time to work connected with the legislature. Where the size of the country is such that attendance at legislative meetings necessarily involves the absence of members from their normal work for fairly long periods, there is generally justification for compensating the members by payment of salaries. The size of the Cochin State is so small that no inconvenience could gnerally be caused to any member by reason of his attendance at the meetings of the Council. Every part of this State from which the members of the Council come is easily accessible from Ernakulam within a few hours. There cannot therefore be any serious dislocation of the normal vocation of members by reason of their Attendance at council meetings. Even in the Indian Legislative assembly at Delhi there is no system of payment of salaries to members though the membership of Indian legislature involves the undertaking of long journeys and the continuous absence of members from their homes for months at a time. Under these circumstances, Government regret that they cannot lend their support to this measure. In the consideration of this measure Government have decided to remain neutral.

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I wish to say only a few words. When I moved this motion today, I thought that the principle of the Bill will not be questioned, because it was discussed and approved by the House long before. I want to explain the principle of the Bill again so that the people may not misunderstand me. This principle has been accepted by parliaments world over and the Prime Minister of Madras, when piloting this Bill in the Madras Legislature, observed as follows.—"Then Sir, I come to the more important provision in the Bill, viz., payment of salaries to members of both the chambers. So much has been said in constitutional discussions about the need for the provisions of monthly salaries of the members. Many parliaments throughout the world have provided for monthly salaries of members of legislatures. But, in India, this year only we have found for the first time provision being made for payment of salaries for members of legislatures in various provinces. The public mind has been compelled to take notice of the fact that for the first time a new class of people are coming as members into legislatures. The old practice of taking up only honorary services by people who can afford leisure and money to serve in these honorary posts has been found to be not quite satisfactory to meet modern needs. I think, I need not waste the

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time of the House by entering into a discussion on this subject. The principle has been accepted so generally that even under the present Government of India Act provision has been definitely made for the introduction of such a measure. We do not wish to impose this condition, viz., that every member should receive a salary of Rs. 75. Those who command resources and leisure may relinquish their right to draw this salary, and for this purpose we have made a provision in the Bill itself." I may say it is now too late to question the principle of the Bill. That principle has been accepted by the legislatures throughout the world and in British India also, this principle has been accepted. In this view of the matter, all these weighty arguments of the Secretary are irrelevant.

I want to answer one or two points raised by Mr. Mathai. In the House of Commons, there are 615 members, but actually only 20 or 25 are doing any useful work. Others are doing nothing. Still they are getting the salary. We, here, are doing on an average more work than any of them. Then, with regard to the argument of the smallness of the State and the shortness of the distance advanced by the Secretary, they are also irrelevant. We are only asking for Rs. 50 whereas in Madras they get Rs. 75. If the distance here is small the T. A. will also be small. If this argument is applied to the case of the salary of Government officers, their salary will have to be considerably reduced. If the size of the State is to be taken into consideration in determining the salary of the Heads of Departments here, I say, our officers will have to be paid a much lesser salary than those officers in Travancore, because this State is only 1/4 or 1/5 its size. If an officer in Travancore gets Rs. 1,000 the corresponding officer in this State will have to be paid only Rs.200. My humble submission is that these are considerations irrelevant to the issue. The question is whether members of the Council should be paid a salary. It has been accepted all the world over and it is now too late in the day to argue otherwise. Regarding the election expenses, the Leader of the House perfectly knows that after two or three contested elections, a member will become an absolute pauper. For example, take the case of the Bengal Premier, Mr. Fazlul Huq. He has stood for three or four elections and for that reason he had to file an insolvency petition. Now, according to the provisions of the Bill, it is optional for a member to relinquish this allowance of Rs. 50. In that case, the expenditure will be very much lower. So, there will not be very great change in the financial commitments. Therefore, this Rs. 22,000 will not be necessary. I hope, all the Hon'ble Members will support the motion.

Motion put and carried

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Mr. V. J. Mathai *(Planters):* A poll, Sir.

Ayes

1. Mrs. Thankamma N. Menon
2. Mrs. C. R. Iyyunni
3. Mr. A. V. Moothedan
4. ,, C. V. Iyyu
5. ,, V. K. Krishnankutty
6. ,, P. Achyuta Menon
7. ,, K. R. Viswambharan
8. ,, K. S. Panicker
9. ,, B. M. Peter
10. Mr. T. S. Ramachandra Ayyar
11. ,, C. R. Iyyunni
12. ,, A. B. Salem
13. ,, K. Ashtamoorthi Nambudiripad
14. ,, C. K. S. Moni
15. ,, V. K. Kutty
16. ,, K. M. Ibrahim
17. ,, T. V. Subramania Ayyar

Noes

1. Mr. V. J. Mathai
2. ,, Shabdai S. Koder
3. Mr. V. K. Bhaskara Menon

Neutrals

1. Mr. T. P. Poulose
2. ,, N. Govinda Pai
3. ,, V. N. Damodaran Nambiar
4. ,, C. J. Luiz
5. ,, K. Achyuta Menon
6. ,, A. Madhava Prabhu
7. Dr. A. R. Menon
8. Mr. P. J. George
9. ,, M. Sivarama Menon
10. Dr. T. Verghese
11. Mr. K. V. Menon
12. Rao Bahadur M. Narayana Menon
13. Mr. T. Narayana Menon
14. Rao Sahib I. N. Menon
15. Mr. V. K. Aravindaksha Menon
16. ,, M. Raman Menon
17. Rama Varmha Tampuran

Mr. A. B. Salem *(Mattancheri)*: Sir, I move that *in section 4, sub-section (1) for the word "third", substitute 'first'.*

I wish to substitute the word "first" for the word "third" in order to keep up the dignity of the House. I do not think that it will be proper for the Hon'ble Members of the Council to travel by the third class. I hope my friend will accept this amendment. If the Government is going to accept the Bill, my amendment will not make much difference in the expenditure. It is not a question of money but it is a question of prestige. I hope the amendment will be acceptable to the House.

Mr. A. V. Moothedan *(Chalakkudi):* I regret that I do not find my way to accept the amendment. Now, there are two classes of members—members who are rich and ordinary members. Members who are rich, for instance, members like Mr. Koder and Mr. Mathai, may not take advantage of this Bill. So, they are not affected by this Bill. The poor members would like to travel only in third class. There is another point also. The Congress members of the legislature are travelling in third class.

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Mr. Shabdai S. Koder *(Nominated):* I question that. I have seen them travelling in first class.

Mr. A. V. Moothedan *(Chalakkudi):* In these days, one's prestige and position do not depend upon the class in which he is travelling, but upon his character and ability. Therefore, I oppose the amendment.

Amendment put and lost

Clauses 2 to 4 put and carried

Clause 1 put and carried

Title and preamble put and carried

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I move that the Bill may be taken up and passed finally in the next meeting of the Council.

Motion put and carried

* The Cochin Tenancy Act (Amendment) Bill

മിസ്റ്റർ സി. വി. ഇയ്യു: സർ, കൊച്ചി കുടിയായ്മ റഗുലേഷൻ ഭേഗതി ചെയ്യുന്നതിനു ഞാൻ അവതരിപ്പിച്ച ബില്ലിനെ റഫർചെയ്തായ സിലക്ട് കമ്മിറ്റി, ഭേഗതിചെയ്തതനുസരിച്ചുള്ള സിലക്ട് കമ്മിറ്റി റിപ്പോർട്ട് ഇ സഭയിൽ അവതരിപ്പിക്കുന്നതിനു സഭയുടെ അനുവാദം ചോദിച്ചുകൊള്ളുന്നു. ഇന്നു ഈ ബിൽ വാദപ്രതിവാദംചെയ്തു ഒരു തീരുമാനം വരുത്തുന്നതിനു സമയമില്ലാത്തതുകൊണ്ടു ഇ സഭയിൽ അവതരിപ്പിച്ചു അവസാനിപ്പിക്കുന്നതിനേ സാധിക്കയുള്ളു എന്നാണു ഞാൻ വിചാരിക്കുന്നതു. ഫ ഫ ഫ-ൽ കുടിയായ്മ റഗുലേഷൻ ഭേഗതിചെയ്തപ്പോൾ വലിയ കാണസംഖ്യയുള്ളതായ കുടിയാന്മാർക്കു ചാത്തവകാശത്തിന്റെ തോതു ഫ ഠ ഠ-നു ശേഷം ആയിരുന്നതുനിമിത്തം വലിയ കഷ്ടപ്പാടുണ്ടെന്നു അന്നത്തെ നിയമസഭക്കും ശവെമ്മുണ്ടിന്നും ബോദ്ധ്യമായതിനാൽ മിച്ചവാരത്തിന്റെ തോതു ചിലതരം കാണങ്ങൾക്കു കുറക്കുന്നതിനു നിലവിലുള്ള കുടിയാൻ നിയമത്തിന്റെ പ്രധാനഭേഗത്തിനു രണ്ടാം വിവരണത്തിന്റെ ഒടുവിൽ ഒരു പ്രോവിസോ (Proviso) ചേർക്കുകയുണ്ടായി. ആ പ്രോവിസോ പ്രകാരം "Nothing in this section shall make the kanam tenant liable to pay as renewal fee anything more than 5 per cent of the kanam amount and puramkadam, if any, when there is no michavaram payable under the kanam to be renewed, or it is less than 12½ per cent of the pattam fixed therein." ഏതെങ്കിലും ചില കാരണവശാൽ വലിയ കാണസംഖ്യ കൊടുക്കുന്നതിനിടയായിട്ടുള്ള കുടിയാന്മാരോടു അവരുടെ കാണസംഖ്യയുടെ തുക അനുസരിച്ചു നൂറിനു ഇരുപത്തേഴര ശതമാനം വീതം ഒരോ പന്ത്രണ്ടുകൊല്ലം കൂടുമ്പോഴും ജന്മി പിരിച്ചുവരുന്ന ഭീമമായ ചാത്തവകാശത്തിന്റെ തുക സാരമായിട്ടു കുറയുന്നതായ ഒരു വ്യവസ്ഥയാണു ഫ ഫ ഫ-ൽ ഭേഗതിചെയ്തപ്പെട്ട നിയമത്തിലെ മുൻ പറഞ്ഞ പ്രോവിസോ എന്നായിരുന്നു സാധാരണ കുടിയാന്മാർ പറഞ്ഞുവ

* Appendix III

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may extend to 3 months, or with fine which may extend to Rs. 1,000, or with both:

Provided that no woman shall be punishable with imprisonment.

APPENDIX II

THE COCHIN PAYMENT OF SALARIES AND ALLOWANCES ACT (AMENDMENT) BILL

(As amended by the Select Committee)

Preamble.—Whereas it is expedient to amend the Cochin Payment of Salaries and Allowances Act, XXXI of 1113, it is hereby enacted as follows.—

1. (1) *Short title and commencement.*—This Act may be called the Cochin Payment of Salaries and Allowances (Amendment) Act, of 111 .

(2) This Act shall come into force at once.

2. *Amendment of section 2, Act XXXI of 1113.*—In section 2 of the Cochin Payment of of Salaries and Allowances Act, XXXI of 1113, (hereinafter referred to as the said Act) omit the word "and" and add the following words at the end.—

"and travelling and daily allowances at such rates as may be prescribed from time to time for first class officers of Government in the Cochin Service Regulations."

3. *Amendment of section 3, Act XXXI of 1113.*—In section 3 of the said Act for the words "his allowances as member of the Council" the following words shall be substituted.—

"his travelling and daily allowances at such rates as may be prescribed from time to time for first class officers of Government in the Cochin Service Regulations."

4. *Substitution of a new section 4, Act XXXI of 1113.*—For section 4 of the said Act, the following section shall be substituted.—

"4. (1) Every non-official member of the Legislative Council who does not hold any of the offices referred to in sections 2 and 3 of this Act shall be entitled to receive a fixed monthly allowance of Rs. 50 and travelling and daily allowances at such rates as may be prescribed from time to time for third class officers of Government in the Cochin Service Regulations.

(2) All the allowances fixed under sub-section (1) of this section may be relinquished by any member in writing. Such relinquishment by a member shall be final and shall not be liable to be revoked at any time during the term of office of such member.

(3) Any member who has relinquished the allowances under sub-section (2) of this section shall be entitled to receive travelling and daily allowances at such rates as may be prescribed from time to time for first class officers of Government in the Cochin Service Regulations."

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